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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/064,559

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Pi-Chen Chen

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WORKMAN NYDEGGER
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

EXAMINER

LEE, CHEUKFAN

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

04/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/064,559

Applicant(s)

CHEN, PI-CHEN

Examiner

Cheukfan Lee

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2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,11 and 13-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5,11 and 13-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 5, 11 and 13-30 are pending. Claims 21-30 are newly added. Claims 1, 11, 15, 21, and 24 are independent.

2. The indicated allowability of claims 5, 11 and 13-20 is withdrawn in view of the newly discovered reference(s) to Anderson II, et al. (U.S. Patent No. 5,495,329).

Rejections based on the newly cited reference(s) follow.

3. Claims 5, 13 and 14 are objected to because of the following:

In claim 5, line 5, "the lens" should read – the lens set – to refer to the basis on line 2 of the claim.

Claims 13 and 14 are objected to as being dependent on claim 5.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 11 and 13-30 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Anderson, II et al. (U.S. Patent No. 5,495,329).

Regarding claim 5, Applicant's admitted prior art optical scan module (700) comprises a light source (100), a reflection mirror set (400), a lens set (500) and an

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optical detector (CCD 600) comprising detectors to receive red, green and blue color light signals (Fig. 1, pages 2 and 3 of the specification).

Applicant's prior art does not teach detecting an insufficient intensity of light from the light source (100). However, detecting, using an optical detector (imaging array CCD 40) in optical scan module (image reading unit in Figs. 1 and 3) of a scanner (10 in Fig. 1), the light intensity of a light source to be less than a predetermined level and concluding a light source failure and therefore preventing document scan is taught by Anderson, II et al (col. 4, line 66 – col. 5, line 6, col. 14, lines 41-51, refer in general to col. 7, line 33 – col. 8, line 47, col. 11, line 36 - col. 15, line 31). One of ordinary skill in the art would have recognized the benefit of preventing document scan when light source failure is detected or concluded. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the technique of Anderson II, et al. to detect that the light intensity of a light source of a color is insufficient in order to prevent a erroneous scan of a document.

Anderson, II et al. does not disclose, after concluding a light source failure, replacing the light with a color light source. Thus, the method of Applicant's prior art in view of Anderson, II et al. does not comprise replacing the light (light source) with a color light source that produces insufficient intensity. However, one of ordinary skill in the art would have realized the advantage of replacing the light source that produces insufficient intensity with a new light source to enable a high quality image scan. Based on the fact that Applicant's color light produced by the light source is detected by the optical detector (CCD 600), it would have been obvious to one of ordinary skill in the art

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at the time the invention was made to replace the light source of detected insufficient intensity in the obvious method of Applicants prior art in view of Anderson, II et al. with a new color light source having color selected from a group consisting of red, green and blue colors to reflect and enhance intensity of the color detected to have insufficient output intensity.

Regarding claim 13, Anderson II, et al. discloses measuring color output intensities outputted by the optical detector (CCD 40) (col. 11, lines 61-67, col. 10, line 63 - col. 11, line 7, and col. 10, lines 1-6).

Regarding claim 14, the optical scan module (image reading unit in Fig. 3) is disposed in a scanner (10 in Fig. 1) (col. 7, line 33 - col. 8, line 47).

Apparatus claim 11 is rejected for the reasons given above for claim 5 since the optical scan module discussed for claim 5 employs a color light source that has color selected according to an insufficient color intensity outputted by the optical detector (CCD), which is a component of the optical scan module having other components including the reflection mirror set (400) and a lens set (500) shown in Applicant's Fig. 1. Please refer to the discussion for claim 5.

Apparatus claim 15 is written in a means-plus-function format, the claim limitations corresponding to the limitations of apparatus claim 11. Specifically, the scan

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module corresponds to the claim 11 optical scan module, the means for radiating a document to obtain an imaging light corresponds to the claim 11 color light source, the means for receiving and reflecting the imaging light corresponds the claim 11 reflection mirror set, the means for receiving the imaging light corresponds to the claim 11 optical detector. With regard to the claimed means for radiating the document having a color selected from a group consisting of red, green, and blue colors according to an insufficient color intensity outputted by the means for receiving the imaging light passing through the means for allowing light to pass therethrough, see claim 11 discussion with respect to the color light source.

Regarding claims 16-19, please refer to Applicant's prior art Fig. 1 light source (100), reflection mirror set (400), lens set (500) and optical detector (600), respectively.

Regarding claim 20, see Applicant's prior art optical module (700) disposed in an optical scanner (Fig. 1) (Applicant's specification, pages 2 and 3), and the optical module (image reading unit in Figs. 3 and 1) in the optical scanner (10 in Fig. 1) of Anderson, II et al. (col. 7, line 33 – col. 8, line 47).

Regarding new claim 21, all claim limitations are recited in claim 5. Please refer to the discussion for claim 5, except the parts with respect to the reflection mirror set and the lens set.

Regarding claims 22 and 23, as discussed for claim 5, a reflection mirror set (see 400 of Applicant's prior art Fig. 1) is disposed in an optical path of the imaging light to project the imaging light onto the optical detector (600 of Applicant's Fig. 1), and the lens set (500) is located in the optical path between the optical detector (600) and the reflection mirror set (400).

Regarding new claim 24, all claim limitations are recited in claim 15. Please refer to the discussion for claim 15, except the means for receiving and reflecting the imaging light and the means for allowing light reflected from the means for receiving and reflecting the imaging light to pass therethrough.

Regarding claims 25-27, see the mirror set (400) and the lens set (500) discussed for claim 15.

Regarding claim 28, the means for radiating the document comprises a light source (see 100 of Applicant's prior art Fig. 1).

Regarding claim 29, see the optical detector discussed for claim 15.

Regarding claim 30, see discussion for claim 20.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cheukfan Lee
March 27, 2008